

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 14-1012 BRO (RZ)**Date **1-8-15**Title **DONALD GRIFFIN v. RON E. BARNES, WARDEN**Present: The Honorable **RALPH ZAREFSKY, U.S. MAGISTRATE JUDGE**

Ilene Bernal

N/A

Deputy Clerk

Court Reporter / Recorder

Attorney Present for Petitioner:

Attorney Present for Respondent:

N/A

N/A

Proceedings: In Chambers –
ORDER TO SHOW CAUSE

On March 17, 2014, the Court granted Petitioner's motion to stay this action pursuant to *Kelly v. Small*, 315 F.3d 1063 (9th Cir. 2003), so that he could exhaust additional claims in the state courts. In granting the stay, the Court ordered Petitioner to file status reports every 60 days.

Now before the Court is Petitioner's December 29, 2014 Status Report. He states that the state trial court denied his first habeas petition on September 29. He is preparing a petition for the Court of Appeal, he adds, but "unfortunately this institution does not honor dead-lines until the last (30) thirty days [I] have been trying to get access to the law library since I arrived in May, 2014" This explanation is insufficient. Petitioner has already exceeded the "30 to 60 days" between state petitions that the Supreme Court has held to be reasonable, absent a persuasive reason for a longer delay. *Cf. Evans v. Chavis*, 546 U.S. 189, 191-92, 201 (2006). In the wake of the trial court's denial, Petitioner does not need to conduct new legal or factual research requiring a law library. All that Petitioner need do is to submit the same claims to the California Court of Appeal.

Within 30 days, Petitioner shall show cause in writing why the Court should not lift the stay in this Court and proceed with the petition, without any new claims, due to Petitioner's excessive delay between the denial of his first state habeas petition and the filing of his next one.

IT IS SO ORDERED.

Initials of Preparer

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